

**DOCKET NO. D-1969-038-3**

**DELAWARE RIVER BASIN COMMISSION**

**General Chemical Corporation  
Industrial Wastewater Treatment Plant  
Claymont, Delaware**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by General Chemical Corporation on June 3, 2013 (Application), for renewal of an existing industrial wastewater treatment plant (IWTP) and its related discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. DE0000655 for this project was issued by the Delaware Department of Natural Resources and Environmental Conservation (DNREC) on January 28, 2013, effective March 1, 2013.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The New Castle County Department of Land Use and Planning has been notified of pending action. A public hearing on this project was held by the DRBC on December 3, 2013.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 3.1 million gallons per day (mgd) IWTP and its related discharge.
- 2. Location.** The IWTP will continue to discharge treated effluent to Water Quality Zone 5 of the Delaware River at River Mile 78.2 via Outfall No. 001, in the Claymont, Delaware as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
001	39° 48' 16"	76° 34' 07"

- 3. Area Served.** The docket holder's IWTP will continue to treat contaminated groundwater and stormwater from the former South and North Plants located at the docket holder's facility in Claymont, Delaware. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

#### 4. Physical Features.

a. Design Criteria. The docket holder shall continue to operate the existing 3.1 mgd IWTP.

b. Facilities. The IWTP consists of a pH neutralization system designed to operate on an as needed basis to treat contaminated groundwater and stormwater at the former inorganic chemical facility.

The project facilities are not located in the 100-year floodplain.

c. Water withdrawals. The potable water supply in the project service area is provided by the Chester Water Authority (CWA).

d. NPDES Permit / DRBC Docket. NPDES Permit No. DE0000655 was issued by the DNREC on January 28, 2013 (effective March 1, 2013) and includes final effluent limitations for the project discharge of up to 3.1 mgd. The following average monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit**

OUTFALL 001 (IWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	100 mg/l (Daily Maximum)	As required by NPDES Permit
BOD (5-Day at 20° C)	30 mg/l	As required by NPDES Permit
Ammonia Nitrogen	19 mg/l	As required by NPDES Permit
PCBs	Monitor & Report	As required by NPDES Permit
Acute & Chronic Toxicity	Monitor & Report	As required by NPDES Permit

\* DRBC Requirement

The following parameter is not listed in the NPDES Permit. Sampling shall start in January 2014.

**EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit**

OUTFALL 001 (IWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report *	Monthly **

\* DRBC Requirement

\*\* See DECISION Condition II.n.

e. Cost. There are no costs associated with this IWTP renewal.

## **B. FINDINGS**

The purpose of this docket is to renew approval of the docket holder's existing 3.1 mgd IWTP and its related discharge. The docket holder's previous DRBC Docket (Docket No. D-69-38-2) expired on February 28, 2012. A late fee for renewal was assessed to the docket holder as part of this Application and was paid upon receipt of said Application.

At the project site, the Delaware River has an estimated seven-day low flow with a recurrence interval of ten years of 1,050 mgd (1,610 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 3.1 mgd IWTP is 339 to 1.

There are no public water supply intakes on record within a ten (10) mile tidal influence of the docket holder's IWTP discharge.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

## **C. DECISION**

I. Effective on the approval date for Docket No. D-1969-038-3 below, Docket No. D-69-38-2 is terminated and replaced by Docket No. D-1969-038-3.

II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the DNREC in its NPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be

submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

g. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

h. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

i. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

j. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

k. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

l. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive

Director's judgment such modification or suspension is required to protect the water resources of the Basin.

m. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

n. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

o. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

**BY THE COMMISSION**

**DATE APPROVED: December 4, 2013**

**EXPIRATION DATE: February 28, 2018**